

S000319

**SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE**

If the information below is inaccurate, please line it out in red and provide current information.  
Notify this office if ownership or address changes occur during the coming year.

**PLEASE COMPLETE AND RETURN THIS FORM BY JULY 1, 1999**

**OWNER OF RECORD: W H CILKER**

CARL CILKER  
1631 WILLOW ST #225  
SAN JOSE, CA 95125

**STATEMENT NO: S000319**

**SOURCE: COYOTE CREEK**  
**TRIBUTARY TO:**  
**COUNTY: SANTA CLARA**  
**DIVERSION**

**WITHIN: SW¼ OF NW¼ SECTION 12, T6S, R1W, MB&M.**

**TELEPHONE NUMBER:**  
(408) 264-2534  
**YEAR OF FIRST USE: 1923**  
**PARCEL NO:**

STATEWATER RESOURCES  
DIV. OF WATER RIGHTS  
SACRAMENTO  
99 JUL 2:25

- A. Water is used under: Riparian claim \_\_\_\_\_ Pre 1914 right \_\_\_\_\_ Other (explain): \_\_\_\_\_
- B. Year of first use (Please provide if missing above) \_\_\_\_\_
- C. Amount of Use - Enter the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.

Amounts below are: Gallons \_\_\_\_\_ Acre-feet \_\_\_\_\_ Other \_\_\_\_\_

Year	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total Annual
1996													0
1997													0
1998													0

- D. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation \_\_\_\_\_ acres; Stockwatering \_\_\_\_\_; Domestic \_\_\_\_\_;

Other (specify) \_\_\_\_\_

- E. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

- F. Please answer only those questions below which are applicable to your project.

1. Conservation of water

- a. Describe any water conservation efforts you may have started: \_\_\_\_\_
- b. \_\_\_\_\_
- c. If credit toward beneficial use of water under claimed pre 1914 appropriative water right for water not used due to a conservation effort is claimed under section 1011 of the Water Code, please show the amounts of water conserved:
- 19 \_\_\_\_\_ (af/mg) 19 \_\_\_\_\_ (af/mg) 19 \_\_\_\_\_ (af/mg)

2. Water quality and wastewater reclamation

- a. Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility or water polluted by waste to a degree which unreasonably affects such water for other beneficial uses? YES \_\_\_\_\_ NO \_\_\_\_\_

JUL 23 1999  
KRM

STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS  
P.O. BOX 2000, SACRAMENTO, CA 95812-2000  
(916) 657-2170

- b. If credit toward use under a claimed pre 1914 appropriative water right through substitution of reclaimed water, desalinated water or polluted water in lieu of appropriated water is claimed under section 1010 of the Water Code, please show amounts of reduced diversions and amounts of reclaimed water used:

19 \_\_\_\_\_ (af/mg) 19 \_\_\_\_\_ (af/mg) 19 \_\_\_\_\_ (af/mg)

3. Conjunctive use of surface water and groundwater

- a. Are you now using groundwater in lieu of surface water? YES \_\_\_\_\_ NO \_\_\_\_\_.

- b. If credit toward use under a claimed pre 1914 appropriative right through substitution of groundwater in lieu of appropriated water is claimed under section 1011.5 of the Water Code, please show the amounts of groundwater used:

19 \_\_\_\_\_ (af/mg) 19 \_\_\_\_\_ (af/mg) 19 \_\_\_\_\_ (af/mg)

I declare that the information in this report is true to the best of my knowledge and belief.

DATE: 7/26/1999 at San Jose, California

SIGNATURE: \_\_\_\_\_

PRINTED NAME: Kenneth J. Trigueiro  
(first name) (middle init.) (last name)

COMPANY NAME: Cilker Orchards

If there is insufficient space for your answers, please use the space provided below.

ITEM CONTINUATION


GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

There are two principal types of surface water rights in California. They are riparian and appropriative rights.

A riparian right enables an owner of land bordering a natural lake or stream to take and use water on his riparian land. Riparian land must be in the same watershed as the water source and must never have been severed from the sources of supply by an intervening parcel without reservation of the riparian right to the severed parcel. Generally, a riparian water user must share the water supply with other riparian users. Riparian rights may be used to divert the natural flow of a stream but may not be used to store water for later use or divert water which originates in a different watershed, or return flows from use of groundwater.

An appropriative right is required for use of water on nonriparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. Since 1914, new appropriators have been required to obtain a permit and license from the State.

Statements of Water Diversion and Use must be filed by riparian and per 1914 appropriative water users. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversions, and (3) assists the State to determine if additional water is available for future appropriators.

The above discussion is provided for general information. For more specific information concerning water rights, please contact an attorney or write to this office. We have several pamphlets available. They include: (1) Statements of Water Diversion and Use, (2) Information Pertaining to Water Rights in California, and (3) Appropriation of Water in California.

## SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

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Notify this office if ownership or address changes occur during the coming year.

PLEASE COMPLETE AND RETURN THIS FORM BY JULY 1, 1996.

OWNER OF RECORD: W H CILKER

CARL CILKER  
1631 WILLOW STREET #225  
SAN JOSE, CA 95125

STATEMENT NO: S000319

SOURCE: COYOTE CREEK  
TRIBUTARY TO:  
COUNTY: SANTA CLARA  
DIVERSION

TELEPHONE NUMBER:  
(408) 264-2534

YEAR OF FIRST USE: 1923

PARCEL NO:

WITHIN: SW $\frac{1}{4}$  OF NW $\frac{1}{4}$  SECTION 12, T6S, R1W, MB&M.A. Water is used under: Riparian claim \_\_\_\_\_; Pre 1914 right \_\_\_\_\_; Other (explain) \_\_\_\_\_B. Year of first use (Please provide if missing above) \_\_\_\_\_.C. Amount of Use - Enter the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.Amounts below are: ☐ Gallons ☐ Acre-feet☐ (other)We are not currently  
using water from this source.

YEAR	JAN.	FEB.	MAR.	APR.	MAY	JUNE	JULY	AUG.	SEPT	OCT.	NOV.	DEC	TOTAL ANNUAL
1993													
1994													
1995													

D. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation \_\_\_\_\_ acres; Stockwatering \_\_\_\_\_; Domestic \_\_\_\_\_

Other (specify) \_\_\_\_\_

E. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

F. If part of the water listed in Part C consists of reclaimed or polluted water, please indicate the annual amounts of reclaimed or polluted water in the space below.

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

DATED: May 28, 1996, at San Jose, CaliforniaSIGNATURE: Carl A. CilkerPRINTED NAME: Carl  
(FIRST NAME)A.  
(M. NAME)Cilker  
(LAST NAME)COMPANY NAME: Cilker Orchards

See back of page for General Information. If there is insufficient space for your answers,  
please number them in the space provided on the back of this form.

STATE WATER RESOURCES CONTROL BOARD  
Division of Water Rights

P.O. BOX 2000 SACRAMENTO, CA 95810  
901 P ST. SACRAMENTO, CA  
(916) 322-4503

STATE WATER RESOURCES  
CONTROL BOARD

(916) 322-5676  
SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE  
1990 MAR 7 PM 3 21

DIVERTER OF RECORD:

DIV. OF WATER RIGHTS  
STATEMENT NO: 000319  
SACRAMENTO

W H CILKER  
C/O CARL CILKER  
1631 WILLOW STREET #225  
SAN JOSE, 95125

TELEPHONE NUMBER:  
(408) 264-2534

IF NAME/ADDRESS/PHONE NO. IS WRONG OR MISSING, PLEASE CORRECT.

SOURCE: COYOTE CREEK

TRIBUTARY TO:

COUNTY: SANTA CLARA

DIVERSION

WITHIN: SW1/4 OF NW1/4 SECTION 12, T06S, R01W, MDB&M.

INSTRUCTIONS: Please complete Items A, B and C. Item D should be completed if you replaced all or part of your regular water supply with reclaimed or polluted water. RETURN THIS FORM BY JULY 1, 1990. (Additional information on reverse side of this form.)

A. Amount of Use - Fill in the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.

Amounts ☐ Gallons  
below are: ☒ Acre-feet  
☐ (other)

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
1987						52.6						126.7	174.3
1988	0	0	0	0	0	0	0	0	0	0	0	0	0
1989	0	0	0	0	0	0	0	0	0	0	0	0	0

B. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation 78 acres

Stockwatering -0-

Domestic -0-

Other (specify) -0-

C. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

D. If part of the water listed in Part A consists of reclaimed or polluted water, please indicate the annual amounts of reclaimed or polluted water in the space below.

N/A

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

DATED: March 5, 1990, at San Jose

Signature: Carl C. Cilker

MAR 15 1990 KSN  
California State Water Resources Control Board

**SAMPLE**

**STATE WATER RIGHTS BOARD**

ROOM 1140, RESOURCES BUILDING

1400 H STREET

SACRAMENTO, CALIFORNIA 95814

**SAMPLE**

**S 319**

**Statement of Water Diversion and Use**

A. Name of person diverting water W. H. CILKER  
Address 16075 MATILIA DR. LOS GATOS, CAL.

B. Name of body of water at point of diversion COYOTE CREEK  
Tributary to \_\_\_\_\_

C. Place of diversion 1/8 MILE NORTH OF HIGHWAY #9 BRIDGE, COYOTE CREEK.  
1/4 Section 1/4 Township 1/4 Range 1/4  
SANTA CLARA County, or locate it on sketch of section grid on reverse side with respect to the most prominent local landmarks.

D. Capacity of diversion works is 450 GPM  
Capacity of storage reservoir CREEK POND, ABOUT 100,000  
State quantity of water used each month in gallons or acre-feet

Year	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Estimated Sept.	Oct.	Nov.	Dec.	Total Annual
1966 :				20	40	40	40	40	30	15			225

If monthly and annual use are not known, check months in which water was used. State amount of use in units, such as acre-feet of each crop irrigated, average number of persons served, number of stock watered, etc.

Maximum annual water use in recent years has been 80

Minimum annual water use in recent years has been 20

Type of diversion facility: gravity \_\_\_\_\_, pump ☒

Method of measurement: weir \_\_\_\_\_, flume \_\_\_\_\_, electric power meter \_\_\_\_\_, water meter ☒, estimate ☒

E. Purpose of use (what water is being used for) IRRIGATE PEACH ORCHARD

F. General description or location of place of use (use sketch of section grid on reverse side if you desire) 1 MILE WEST OF MILPITAS ON HIGHWAY #9, 1 MILE NORTH OF COYOTE CR. BRIDGE

G. Year of first use as nearly as known 1923 OR EARLIER

H. Name of person filing statement W. H. CILKER

Position OWNER Organization W. H. CILKER ORCHARDS

Address 16075 MATILIA DR. LOS GATOS, CAL.

I certify that the foregoing statements are true and correct to the best of my knowledge and belief.

File signed AUG. 30, 1966

Signature W. H. CILKER

See Instructions on Reverse Side